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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

08/12/2005

FROST BROWN TODD LLC 2200 PNC Center 201 E. Fifth Street Cincinnati, OH 45202-4182

EXA	MINER
DURAN	D, PAUL R
ART UNIT	PAPER NUMBER

3721 DATE MAILED: 08/12/2005

1	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	10/615 972	07/09/2003	Kenneth S Wales	END907-0511043	1293

TITLE OF INVENTION: SURGICAL INSTRUMENT WITH A LATERAL-MOVING ARTICULATION CONTROL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	11/14/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

### PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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CURRENT CORRESPONDENCE	ADDRESS (Note: Use Block 1 for a	ny change of address)		napers. Each additiona	mailing can only be used for its certificate cannot be used to al paper, such as an assignment	or domestic mailings of the for any other accompanying ent or formal drawing, must
759	0 08/12/2005			have its own certificate	e of mailing or transmission.	
FROST BROWN	TODD LLC			Cei	rtificate of Mailing or Trans	mission
2200 PNC Center				I hereby certify that the States Postal Service	in Free(s) Transmittal is being with sufficient postage for fir Stop ISSUE FEE address PTO (571) 273-2885, on the control of the sufficient postage for first property of the sufficient property of the sufficien	st class mail in an envelope
201 E. Fifth Street				addressed to the Mai	I Stop ISSUE FEE address	above, or being facsimile
Cincinnati, OH 4520	)2-4182		•	transmitted to the USF	710 (5/1) 2/3-2885, on the c	(Depositor's name)
	·					(Signature)
						(Date)
APPLICATION NO.	FILING DATE	FI	RST NAMED INVE	NTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,972	07/09/2003		Kenneth S. Wal	es	END907-0511043	1293
TITLE OF INVENTION: SU	RGICAL INSTRUMENT V	/ITH A LATERAL	-MOVING ARTI	CULATION CONTROI	L	
APPLN. TYPE	SMALL ENTITY	ISSUE FEE		PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400		\$300	\$1700	11/14/2005
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DURAND,	PAUL R	3721		227-178100		
CFR 1.363).  Change of corresponde Address form PTO/SB/12:  "Fee Address" indication PTO/SB/47; Rev 03-02 on Number is required.	address or indication of "Fe ence address (or Change of O 2) attached. on (or "Fee Address" Indica more recent) attached. Use	Correspondence	(1) the names of or agents OR, alt (2) the name of registered attorn 2 registered pate listed, no name v	a single firm (having as ey or agent) and the nan nt attorneys or agents. If vill be printed.	nt attorneys 1a member a 2	
	RESIDENCE DATA TO BI					
PLEASE NOTE: Unless a recordation as set forth in	an assignee is identified be 37 CFR 3.11. Completion of	low, no assignee da f this form is NOT	ita will appear on a substitute for fili	the patent. If an assigning an assignment.	nee is identified below, the o	locument has been filed for
(A) NAME OF ASSIGNE	E	(B)	RESIDENCE: (C	TY and STATE OR CO	UNTRY)	
Please check the appropriate	assignee category or categor	ies (will not be prin	ited on the patent)	: 🗖 Individual 🗖 C	Corporation or other private gr	oup entity Government
a. The following fee(s) are e	nclosed:	4b.	Payment of Fee(s)	;		
☐ Issue Fee		Ę	A check in the	amount of the fee(s) is e	nclosed.	
Publication Fee (No sn	nall entity discount permitte	d) (	Payment by cre	dit card. Form PTO-203	8 is attached.	
Advance Order - # of	Copies		The Director is Deposit Account N		charge the required fee(s), or (enclose an extra c	
5. Change in Entity Status (	from status indicated above	)	<del></del>			
	1ALL ENTITY status. See 3				ALL ENTITY status. See 37 C	
The Director of the USPTO is NOTE: The Issue Fee and Punterest as shown by the reconstruction.	s requested to apply the Issu blication Fee (if required) w rds of the United States Pate	e Fee and Publication ill not be accepted in the and Trademark C	on Fee (if any) or from anyone other office.	o re-apply any previous than the applicant; a reg	sly paid issue fee to the applic gistered attorney or agent; or t	ation identified above. the assignee or other party in
Authorized Signature				Date		·
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Alexandria, virginia 22313-1	430.				the public which is to file (ar minutes to complete, includi comments on the amount of t d Trademark Office, U.S. Dep SS. SEND TO: Commissioner	



# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,972	07/09/2003	Kenneth S. Wales	END907-0511043	1293
75	90 08/12/2005		EXAM	INER
FROST BROWN	TODD LLC		DURAND	, PAUL R
2200 PNC Center 201 E. Fifth Street			ART UNIT	PAPER NUMBER
Cincinnati, OH 452	02-4182		3721	
			DATE MAILED: 08/12/200	5

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Moreover, while no representation is made that a specific search of office files or patent

office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of

which the undersigned is presently aware, and no art which is closer to the claimed invention

(taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the non-U.S. patent

references or relevant portion thereof is also enclosed.

In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession,

custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each nonenglish

reference, if any, are also enclosed.

Since all listed references are either in the English language or are accompanied by a

translation into English, no concise explanation of relevance is required under 37 C.F.R. §

1.98(a)(3).

This Information Disclosure Statement is being filed within three months of the original

filing date of this Application, or before a first Office Action on the Merits has been received,

therefore, no fee is believed to be due. Please charge any outstanding fees or credit any

overpayment to Deposit Account No: 23-3178.

Dated this 22

day of March, 2006.

Respectfully submitted,

Elllarff

Eric L. Maschoff
Attorney for Applicant

Registration No. 36,596

Customer No. 022913

ELM/tat TAT0000001939V001

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R 22 MAIL LABEL NO.: EV657808856US

Form PTO-1449
Applicant:

Stephen Temple, et al.

Serial No.: Filing Date:

10/568,551

February 17, 2006

Confirmation No.:

Unknown

For:

CONTENT DATA SCHEDULING USING SCHEDULE DATA

TRANSMITTED VIA A MOBILE COMMUNICATION NETWORK

Sheet 1 of 3

Group: Unknown

Att'y Docket No.: 16458.6

## INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

### **U.S. Patent Documents**

Examiner <u>Initial*</u>	Document Number	<u>Date</u>	<u>Name</u>
A1.	6,603,857		Batten-Carew et al.
A2.	2003/0154299 A1	08/14/2003	Hamilton
A3.	2003/0061206 A1		Qian
	Foreign Pa	atent Documents	
Examiner <u>Initial</u> *	Document Number	<u>Date</u>	Country or Patent Office
A4.	WO 01/35557	05/17/2001	PCT
A5.	WO 01/38954	05/31/2001	PCT
A6.	WO 01/46782	06/28/2001	PCT
A7.	DE 100 53 751	04/18/2002	Germany
A8.	WO 02/100072	12/12/2002	PCT
A9.	WO 03/38637	05/08/2003	PCT

Examiner:

Date Considered:

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

WIN S. S. J.	RESS MAIL Form PTO-1449 Applicant: Serial No.: Filing Date: Confirmation No.: For:	CONTENT DATA SCH	IEDULING USIN	Sheet 2 of 3  Att'y Docket No.: 16458.6  Group: Unknown  IG SCHEDULE DATA  MUNICATION NETWORK
	A10.	WO 03/69507	08/21/2003	PCT
		Other I	<u>Documents</u>	
	(including author (year).	(if listed), title, relevant page	es, date of publicat	ion including at least month and
	Examiner <u>Initial</u> *			
	A11.	Upcoming Versions of Of Microsoft Presspass – Infor	fice, Windows ar mation for Journa URL: http://www	Piracy Solutions Extended to and Visio Products Worldwide," alists (online), February 2, 2001, w.microsoft.com/presspass/press/

Examiner:

Date Considered:

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SPRESS MAIL LABEL NO.: EV657808856US

Applicant:

Stephen Temple, et al.

Serial No.: Filing Date:

10/568,551

February 17, 2006

Confirmation No.:

Form PTO-1449

Unknown

For:

CONTENT DATA SCHEDULING USING SCHEDULE DATA

TRANSMITTED VIA A MOBILE COMMUNICATION NETWORK

Sheet 3 of 3

Group: Unknown

Att'y Docket No.: 16458.6

## References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.